

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

PAUL NESBIT, *et al.*,

Plaintiff,

v.

MARTIN ARASE, *et al.*,

Defendant.

Civil Action No. 1:20-cv-01217-CNH-IDD

PLAINTIFF'S EXHIBIT LIST

Pursuant to Federal Rule of Civil Procedure 26(a)(3) and the scheduling order in this case, Plaintiffs Paul Nesbit and Barry Wells submits Plaintiffs' Exhibit List. This list presents the exhibits that Plaintiffs either intend to use at trial or, as circumstances warrant, may determine to use at trial. Plaintiffs reserve the right to amend this list upon review of Defendant's exhibit list as necessary and consistent with the Federal Rules of Civil Procedure and local rules of this Court. Plaintiff further reserves the right to use at trial any documents not identified on this list for purposes of impeachment or rebuttal.

Plaintiff expects to offer the following exhibits:

Exhibit #	Date	Item Description	Bates
1	2017/4/19	ESS Management Plan by Ray King.	NW 73-108
2	2017/8/1	Cure Notice to ESS from AECOM re Ammunition Supply Point K	NW 389-390
3	2018/2/21	Email b/t M. Arase and King re ESS fact sheet\	ESS 47-55
4	2018/2/22	Email b/t King and M. Arase re lead being dead	ESS 44-46
5	2018/2/23	Emails b/t Ray King and CSRA	ESS 36-39
6	2018/3/1	Emails re ESS brief	ESS 25-35

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7	2018/3/18	M. Arase and P. Nesbit emails concerning P. Nesbit's hiring	NW 1-3
8	2018/3/19	M. Arase considers a bonus structure for ESS	NW 4-7
9	2018/3/21	M. Arase asked to review P. Nesbit's offer letter	ESS 2130-2134
10	2018/3/21	M. Arase email Michelle Kammerer re offer to P. Nesbit to be COO w job description	ESS 259-263
11	2018/3/23	M. Arase introduces L.A. Wolcott Wolcott of TCG in contracts	NW 8
12	2018/3/25	Email b/t R. King and M. Arase about UPH contract	ESS 257-258
13	2018/3/26	R. King sends P. Nesbit ESS corporate introduction, detailed overview, brief	NW 12
14	2018/3/26	M. Arase sends P. Nesbit a listing of capabilities	ESS 57-92
15	2018/3/25	Ray asks M. Arase if ESS EDWOSB	ESS 2123
16	2018/3/30	Ray King sends templates	NW 13
17	2018/4/4	Crystal Gugelmeyer tells M. Arase P. Nesbit wants to discuss pricing strategy	ESS 161-256
18	2018/4/6	Michelle Kammerer sent 401k from TCG and ESS benefits plan	NW 10-11
19	2018/4/17	M. Arase says disadvantaged designation applies	ESS 56
20	2018/4/17	Email from P. Nesbit saying he added SDB to technical capability	ESS 1196
21	2018/4/18	Volume I RFQ docs US Army Mission and Installation Contractive Command	NW 210-247
22	2018/4/19	M. Allen send M. Arase UPH solicitation response	ESS 105-160
23	2018/4/23	Emails b/t P. Nesbit and M. Allen about updating SAM to be a Small Disadvantaged Business	ESS 1138
24	2018/4/24	M. Allen email telling P. Nesbit that SAM has been updated to show they are a SDB	ESS 460
25	2018/5/7	Volume I RFQ docs US Army Mission and Installation Contractive Command – Unaccompanied Personnel Housing Furniture Services.	NW 130-209
26	2018/5/7	Emails re total revenue of ESS	ESS 2113-15

27	2018/5/10	Purchase orders re ESS relationship to TCG	ESS 2105-2112
28	2018/5/18	M. Allen send P. Nesbit and Ray response to Sources Sought for DPTMS Support Services US Army Mission and Installation Command Center	ESS 93-104
29	2018/5/20	COO Net Assessment 45D	NW 127-129
30	2018/5/29	Presentation re state of union of ESS.	NW 108-126
31	2018/6/9	M. Allen, Ray, Bob notified of their terminations	ESS 2093
32	2018/6/11	M. Arase approves raise for P. Nesbit	ESS 2087-88
33	2018/6/26	M. Arase approves B. Wells's hiring	ESS 2086
34	2018/6/28	L.A. Wolcott sends questions re SAM and WOSB	ESS 2036-48
35	2018/6/29	Email re B. Wells's hiring	NW 845-846
36	2018/7/2	Tiffany Contee emails M. Arase	ESS 2057-58
37	2018/7/6	Email chain in which L. Garcia re 401k merged	NW 869-872
38	2018/7/30	Emails re contract loss on UPH Furniture	ESS 2209
39	2018/8/13	Sources Sought Response for Seymour Johnson AFB	NW 249-252
40	2018/8/22	Request for Information Response Edwards AFB	NW 253-256
41	2018/8/28	Request for Quotation Response USDA Research Triangle	NW 257-272
42	2018/8/28	Email from L. Garcia to M. Arase and R. Perkins	NW 267-289
43	2018/8/29	P. Nesbit sends response to sources sought re USAF Command Surgeon General calling ESS WOSB	ESS 433-438
44	2018/8/31	Sources Sought Response to VA	NW 332-337
45	2018/8/31	Technical response from L. Garcia to M. Arase	ESS 1-21
46	2018/9/6	RFQ Property Control Activity Logisital Support, 20 th Chemical, Biological, (CBRNE) Command	NW 273-331
47	2018/9/13	Email from L. Garcia to M. Arase	ESS 2082-84

48	2018/9/21	Email to M. Arase re expense approval	ESS 2078-81
49	2018/9/28	Proposal to Grand Forks AFB	NW 332-349
50	2018/11/26	P. Nesbit emails L. Garcia and says will address affiliation concerns	ESS 448-452
51	2018/11/28	P. Nesbit emails slide deck for quarterly review	ESS 707-735
52	2018/12/19	Contract for award Seaport NxG solicitation, Mentions requirement for certification of size	ESS 376-430
53	2018/12/18	P. Nesbit emails status and pipeline <ul style="list-style-type: none"> • Says no prior pipeline • Says should basically take any contract 	ESS 701-702
54	2018/12/21	P. Nesbit emails about 12/13 meeting	ESS 2937-41
55	2019/1/19	Email re POM MOTCO	ESS 630-682
56	2019/1/30	L.A. Wolcott submits representations including checklist to AECOM saying WOSB	ESS 1902-1911
57	2019/2/15	P. Nesbit and R. Perkins email about infrastructure problems	NW 881-884
58	2019/2/22	M. Arase email re change P. Nesbit's title to President, B. Wells to COO, Susan to CEO	ESS 2136-2142
59	2019/2/22	M. Arase re him continue signing tax docs, time sheets, acct continues reporting to him	ESS 2135
60	2019/2/23	Email in which M. Arase discusses 20 step plan	ESS 1393-94
61	2019/3/9	L.A. Wolcott email re M. Arase SAM information	ESS 2049-2050
62	2019/3/14	L.A. Wolcott sends cheat sheet of corporate personnel.	ESSS 2073-77
63	2019/4/1	L. Garcia email re M. Arase if P. Nesbit can sign contracts	ESS 2190-91
64	2019/4/7	P. Nesbit provides Request for Information to EAGLE BOA army business team	ESS 591-599
65	2019/6/6	Data Call Response for USMC Marine Corps Logistics Command	NW 413-420
66	2019/6/11	Email re renewing EAGLE BOA	ESS 523-528
67	2019/6/12	P. Nesbit email re prep materials for meeting in Fairfax email	ESS 2921-22

68	2019/6/1 5	L. Garcia update to L.A. Wolcott	ESS 2174-88
69	2019/6/2 8	M. Arase email re approval for P. Nesbit's approval for travel authorization	ESS 2645-46
70	2019/7/1 1	P. Nesbit email to M. Arase and R. Perkins re ESS turnaround and risk	ESS 2944-46
71	2019/7/1 2	P. Nesbit update re company and risk	ESS 439-442
72	2019/7/1 2	Nesbit emails M. Arase and R. Perkins re Pillsbury and risks	NW 15-16
73	2019/7/1 2	P. Nesbit emails M. Arase and R. Perkins and says expect AECOM Fort Polk expansion	ESS 498-500
74	2019/7/1 8	Nesbit email re risks and misrepresentation	NW 17-19
75	2019/7/1 9	P. Nesbit sends email w update on firm	ESS 351-354
76	2019/7/2 3	P. Nesbit emails re needing to reduce risk and steps taken to fix firm	ESS 2948-49
77	2019/7/2 4	P. Nesbit sends M. Arase list of problems re IT and HR	ESS- 349-350
78	2019/7/2 5	P. Nesbit sends M. Arase plan re potential business w Toll Group who selected them to develop business	ESS 2172-73
79	2019/7/3 0	Email from P. Nesbit to M. Arase and R. Perkins about WOSB	NW 886-887
80	2019/7/3 0	Email from P. Nesbit to M. Arase and R. Perkins saying need to split firms	ESS 471-475
81	2019/8/4	P. Nesbit email to AECOM contact and explains turnaround, solicits more business at Fort Polk	ESS 466-470
82	2019/8/6	P. Nesbit asks that leadership confirm that ESS is a WOSB and a SDB	ESS 1303
83	2019/8/1 3	P. Nesbit sent L.A. Wolcott email about a formal WOSB certification process, she says not sure it provides advantage, P. Nesbit thinks EDWOSB does	ESS 2927-32
84	2019/8/2 1	Nesbit emails Stephan Ellis about IT connections and risks	NW 20-21
85	2019/9/6	P. Nesbit says he forwarded email to SAM to M. Arase as he requested	ESS 2166-
86	2019/9/9	Emails from Tiffany Contee about a required self-inspection for DSS / DSCA , M. Arase said need time to think about it	ESS 2228-35

87	2019/9/1 2	J. Lexo email re helping 8as as they transition by selling to ANCs	ESS 2983-84
88	2019/9/1 6	P. Nesbit email w J. Lexo noting they had a convo and he'll speak w owner	ESS 2975-78
89	2019/9/1 6	Nesbit email to M. Arase and R. Perkins and says risks and mentions possible sale	NW 22-23
90	2019/9/1 8	M. Arase asks L.A. Wolcott to do SAM certification	ESS 2161-2162
91	2019/9/1 8	M. Arase email to P. Nesbit and R. Perkins we are certified with SBA and SAM	ESS 2779
92	2019/9/1 9	Memo from Nesbit to Arases and Perkins w FAR cites, including mention of FCA	NW 24-29
93	2019/9/2 1	Email from P. Nesbit mentioning meeting w NTVI and teamsters success	ESS 338-339
94	2019/9/2 4	ESS financial summary for NTVI	ESS 2908-17
95	2019/9/2 6	Says NTVI needs financial statements and pipeline and mentions that they would hire P. Nesbit and B. Wells	NW 32-34
96	2019/9/2 6	M. Arase confirms Susan CEO and other titles for Tiffany Contee for DCSA KMP	ESS 2210-2212
97	2019/9/2 8	P. Nesbit sends R. Perkins info re costs to separate ESS and TCG	ESS 2886-88
98	2019/9/3 0	P. Nesbit sends L.A. Wolcott 9/19 report	ESS 2154-2160
99	2019/10/ 2	P. Nesbit sends email re WOSB issues and potential sale	ESS 315-316
100	2019/10/ 3	P. Nesbit to M. Arase copying B. Wells and R. Perkins.	ESS 298-303
101	2019/10/ 3	B. Wells email re risks and misrepresentation	ESS 291-297
102	2019/10/ 4	P. Nesbit sends pipeline	ESS 2868-70
103	2019/10/ 4	Nesbit asks that they expedite sale to NTVI before USMC CSP Gryphon Technology effort	ESS 2873
104	2019/10/ 18	Email from P. Nesbit to M. Arase about changing pricing	ESS 2765-66
105	2019/10/ 21	P. Nesbit email to M. Arase, R. Perkins, and B. Wells about USAF Battlefield Airman logistics RFP	NW 48-51
106	2019/10/ 21	P. Nesbit email to J. Lexo re strengths of ESS	ESS 2849-53
107	2019/10/ 24	Letter from Lexo at NTVI proposal to purchase ESS.	NW 73-75

108	2019/10/31	P. Nesbit email saying M. Arase terminated on 10/30	NW 52
109	2019/10/31	J. Lexo says talked w M. Arase who said not shutting down ESS	ESS 2722
110	2020/11/26	Records showing ESS registered as a WOSB	NW 443-457

Plaintiff may use the following exhibits if the need arises:

Exhibit #	Date	Item Description	Bates
111		Deposition transcript of L.A. Wolcott	
112		Deposition transcript of R. Perkins	
113		Deposition transcript of 30(b)(6) deposition of The Columbia Group	
114		Deposition transcript of 30(b)(6) deposition of Eagle Systems & Services	
115		Deposition transcript of Martin Arase	

Dated: April 15, 2021

RESPECTFULLY SUBMITTED,

By: /s/Jack Jarrett
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CERTIFICATE OF SERVICE

I hereby certify that on April 15, 2021 I filed the foregoing with the Court's CM/ECF system, which will automatically serve a copy on counsel of record in this matter.

Respectfully Submitted,

/s/

Jack Jarrett (VSB #86176)